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DELEGATION OF THE UNITED STATES OF AMERICA

NO029

MEMORANDUM

June 15, 1959

TO: Mr. Livingston T. Merchant
FROM: Gerard C. Smith
SUBJECT: Civil Access

DECLASSIFIED
NOV 901046
5/20/91
HR-M/SG

1. Berlin #12 sets forth the Berlin Senat's view that any Geneva agreement should cover civil access and deal specifically with such questions as tolls, use of roads by vehicles and pedestrians, use of waterways, air access, long distance radio-telephone facilities, immunity of sealed carriers, etc.
2. The Senat proposes that an agreement spelling out procedures in all these respects (i) should be our price for agreeing to transfer to East Germans of any functions covering access (presumably they mean military access, since the GDR already controls civil access); (ii) should last for 10-15 years, with extension if reunification is not achieved by then; (iii) should provide for arbitration and conciliation procedures (a parity commission with a non-partisan chairman) to settle disagreements.
3. I wonder if it would not be useful for the Western Powers to put these proposals to Gromyko as their own, when the discussion gets around to civil access. We could suggest that a subcommittee of experts be set up to try to work out an agreement nailing down civil access procedures on the basis of these proposals.
4. I recognize that this would be non-negotiable. It may be useful, however, to table some proposals which are as far advanced from our bed-rock as the Soviet proposals may be from theirs, - if only to even up our respective areas of maneuver. These particular proposals would, moreover, presumably earn us some kudos in West Berlin.
5. Our fall-back on the civil access question might be agreement that present surface and air procedures would be continued until reunification, with the added provision (which is not in our present proposals) for a mixed commission under an impartial chairman to arbitrate any disputes. The existence of such an agreed commission would give the West Germans some protection against harassment, e.g., unwarranted unilateral GDR toll increases such as they have been subjected to in recent years.

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S/P HC Smith

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